

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

WESTBERRY, et al.

Serial No.: 10/588,689

Filing Date: June 29, 2007

For: *dUTP BASED COMPOSITIONS FOR
REDUCING PRIMER-AGGREGATE
FORMATION DURING NUCELIC
ACID AMPLIFICATION*

Examiner: KIM, Young J

Art Unit: 1637

Confirmation No. 9609

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this correspondence, including listed enclosures, is being electronically transmitted in Portable Document Form (PDF) through EFS-Web via Hyper Text Transfer Protocol to the United States Patent and Trademark Office's Patent Electronic Business Center on:

Dated: 12/11/08

Signed: Jackie Mi

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

In satisfaction of the duty of disclosure under 37 C.F.R. § 1.56, and in accordance with the provisions of 37 C.F.R. §§ 1.97 and 1.98, Applicants wish to draw attention to the U.S. Patent and Trademark Office to the references cited on the accompanying form PTO/SB/08a.

Further, in accordance with the provisions of 37 C.F.R. §§ 1.97 (c) and 1.97(e)(1), the undersigned certifies that the references listed on the enclosed PTO/SB/08a were first cited in an Supplementary European Search Report dated April 10, 2008, for the corresponding European application EP 05 71 2856.3 - 1222. A copy of the Supplementary European Search Report and copies of the foreign and non-patent literature documents cited are enclosed.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and the Applicants determine that the cited documents do not constitute "prior

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art” under United States law, Applicants reserve the right to present to the U.S. Patent and Trademark Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention of the listed documents, should one or more of the documents be applied against the claims of the present application.

The information transmitted herewith is being filed after three months of the filing date of this application or after the mailing date of the first Office action on the merits, whichever occurred last, but before the mailing date of either a final action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311, whichever occurs first. Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

The fee in the amount of \$180 is required by 37 C.F.R. § 1.17(p). The Commissioner is hereby authorized to charge any fees associated with this communication, and/or credit any overpayment to Deposit Account No. 50-4616 (Our Ref. No. 46583-105005).

Respectfully submitted,
KING & SPALDING, LLP

Dated: 12/11/08

By: 
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